

Application Number 10/588,985
Amendment dated January 5, 2010
Response to Office Action dated November 16, 2009

REMARKS/ARGUMENT

Claims 1 through 9, 14, and 15 are pending in the application with claims 10 through 13 having been canceled and claim 1 having been amended. Entry of these amendments is respectfully requested as it is believed they put the application in condition for allowance or in better condition for appeal.

Claim 1 has been rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement because, according to the Examiner, "The expressions 'pyrazole ... substituted in the...linkage' is employed with considerable abandon in claim 1 with no indication given as to what substituents really are."

Claim 1 has been rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter that Applicants regard as the invention.

Specifically, according to the Examiner, "The expression 'pyrazole ... substituted in the position'. Claim 1 fails to recite what the substituents are."

Claim 1 has now been amended to show the three structures the substituted pyrazole moieties employed in the practice of the present invention can take, as well as Markush groups listing the substituents that can be used in each position. Support for this amendment appears in the specification in paragraphs [0082] through [0098] of US 2007/0167491.

The Examiner has also said, "Again, the plural 's' on 'salts' makes claim 1 read on mixtures rather than specific compounds." Applicants continue to respectfully disagree. As pointed out in the response to the previous Office Action: "Those skilled in the art will

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understand that amines readily form salts of various kinds with well-known acidic materials and that, in general, their properties are not significantly modified thereby. In the present case, where there will be more than one amine group in the same molecule, it is possible that such an acidic material, in the same synthesis, might attach itself at any of several places on the same molecule. It would be unfair to the Applicants to force them to limit their claims to a single possibility."

Notwithstanding the foregoing, in the interest of advancing this application to allowance, claim 1 has been amended to change "salts" to "salt".

The Examiner has stated, "Claim 1 would be allowable if rewritten or amended to overcome the rejections under 35 U.S.C. 112 set forth in the Office action and if rewritten directed solely to the elected compounds." It is respectfully submitted this has now been done.

Further, all other claims remaining in the application, claims 2-9, 14, and 15, are dependent, either directly or indirectly, upon claim 1. Therefore, it is submitted that these claims are also allowable.

Accordingly, it is requested that the rejections of claim 1 under 35 U.S.C. 112, first and second paragraphs, be withdrawn.

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In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration is requested.

Respectfully submitted,



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